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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-388

11 **DONNA JEAN DUNN, AKA DONNA**
12 **FLETCHER DUNN, AKA DONNA**
13 **MCMULLIN, AKA DONNA FLETCHER**
14 **RUCKER**

DEFAULT DECISION AND ORDER

15 **Address of Record:**
16 **1849 Oregon Road**
17 **Salvisa, KY 40372**

[Gov. Code, §11520]

18 **Additional Address:**
19 **145 Yellowstone Drive**
20 **Bonita Springs, FL 34135**

21 **Registered Nurse License No. 546538**

22 Respondent.

23 **FINDINGS OF FACT**

24 1. On or about December 21, 2011, Complainant Louise R. Bailey, M.Ed., R.N., in her
25 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
26 Consumer Affairs, filed Accusation No. 2012-388 against Donna Jean Dunn, aka Donna Fletcher
27 Dunn, aka Donna McMullin, aka Donna Fletcher Rucker (Respondent) before the Board of
28 Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about August 6, 1998, the Board of Registered Nursing (Board) issued
Registered Nurse License No. 546538 to Respondent. The Registered Nurse License expired on
April 30, 2010, and has not been renewed.

1 3. On or about December 21, 2011, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 2012-388, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,
6 which was and is:

7 1849 Oregon Road
8 Salvisa, KY 40372.

9 4. The Postal Service forwarded these documents to a forwarding address for
10 Respondent, which was 145 Yellowstone Drive, Bonita Springs, FL 34135.

11 5. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
13 124.

14 6. On or about January 12, 2012 the Certified Mail receipt for the documents sent to
15 Bonita Springs, Florida was returned, indicating that someone at that address had signed for it on
16 January 4, 2012.

17 7. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts
20 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

21 8. Respondent failed to file a Notice of Defense within 15 days after service upon her of
22 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
23 388.

24 9. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the
26 hearing, the agency may take action based upon the respondent's express admissions
27 or upon other evidence and affidavits may be used as evidence without any notice to
28 respondent.

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2012-388, finds that the charges and allegations in Accusation No. 2012-388, are separately and severally, found to be true and correct by clear and convincing evidence.

11. Taking official notice of its own internal records and relevant evidence contained in the Default Decision Evidence Packet, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$485.00 as of March 14, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Donna Jean Dunn, aka Donna Fletcher Dunn, aka Donna Fletcher Rucker, aka Donna McMullin has subjected her Registered Nurse License No. 546538 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Violating Business and Professions Code Section 2761 subdivision (a)(4), which authorizes the Board to take disciplinary action following disciplinary action in other states, for having her Ohio nursing license placed on two years' probation in 2008 and for having her Kentucky nursing license suspended for two years in 2010 for allegedly stealing a number of prescription medications from her employer and allegedly engaging in other unprofessional conduct.

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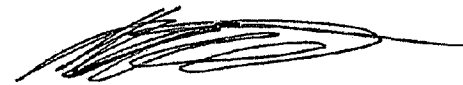
ORDER

IT IS SO ORDERED that Registered Nurse License No. 546538, heretofore issued to Respondent Donna Jean Dunn, aka Donna Fletcher Dunn, aka Donna McMullin, aka Donna Fletcher Rucker, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 27, 2012.

It is so ORDERED June 29, 2012



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51083082.DOCX
DOJ Matter ID:LA2011505711

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
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6 *Attorneys for Complainant*

7 BEFORE THE
8 BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2012-388

11 Donna Jean Dunn aka Donna Fletcher Dunn
12 aka Donna Fletcher Rucker aka Donna
McMullin

A C C U S A T I O N

13 1849 Oregon Road
14 Salvisa, KY 40372

15 Registered Nurse License No. 546538

16 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about August 6, 1998 the Board issued Registered Nurse License Number
23 546538 to Donna Jean Dunn aka Donna Fletcher Dunn aka Donna Fletcher Rucker aka Donna
24 McMullin ("Respondent.") The Registered Nurse License expired on April 30, 2010 and has not
25 been renewed.

26 JURISDICTION AND STATUTORY PROVISIONS

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license; for any reason provided in Article 3 (commencing with Code section 2750) of
2 the Nursing Practice Act.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
4 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license. Under Section 2811
6 subdivision (b) of the Code, the Board may renew an expired license at any time within eight
7 years after the expiration.

8 5. Sections 118 subdivision (b) of the Code also grants the Board jurisdiction over
9 suspended, expired, forfeited, cancelled, or surrendered licenses:

10 "The suspension, expiration, or forfeiture by operation of law of a license issued by a
11 board in the department, or its suspension, forfeiture, or cancellation by order of the
12 board or by order of a court of law, or its surrender without the written consent of the
13 board, shall not, during any period in which it may be renewed, restored, reissued, or
14 reinstated, deprive the board of its authority to institute or continue a disciplinary
proceeding against the licensee upon any ground provided by law or to enter an order
suspending or revoking the license or otherwise taking disciplinary action against the
licensee on any such ground."

15 6. Section 2761 of the Code provides grounds for disciplinary action:

16 "The board may take disciplinary action against a certified or licensed
17 nurse or deny an application for a certificate or license for any of the following:

18 (a) Unprofessional conduct, which includes, but is not limited to, the
19 following:

20 (4) Denial of licensure, revocation, suspension, restriction, or any other
21 disciplinary action against a health care professional license or certificate by another
22 state or territory of the United States, by any other government agency, or by another
23 California health care professional licensing board. A certified copy of the decision
24 or judgment shall be conclusive evidence of that action."

24 COST RECOVERY

25 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

CAUSE FOR DISCIPLINE

(Disciplinary Actions by the Ohio and Kentucky Boards of Nursing)

8. Respondent is subject to discipline pursuant to Section 2761 subdivision (a)(4) of the Code on the grounds of unprofessional conduct because she was disciplined by the Ohio Board of Nursing ("Ohio Board") and Kentucky Board of Nursing ("Kentucky Board"), as follows:

9. On or about March 2008, the Ohio Board entered into a consent agreement with Respondent placing her Ohio nursing license on two years' probation for allegedly falsifying patient records at a hospital in Cincinnati in order to obtain controlled substances. Although Respondent denied the allegations, she agreed to accept the Ohio Board's disciplinary action. She also agreed to comply with the terms of her probation, which included abstaining from the use of controlled substances and alcohol, submitting to random drug and alcohol screenings, submitting to a chemical dependency evaluation, and, if that evaluation determined she had chemical dependency problems, attending support group meetings.

10. On or about May 2009 the Kentucky Board issued an order of immediate suspension of Respondent's Kentucky nursing license following allegations that she took medications, including Dilaudid (a narcotic pain reliever), Demerol (a narcotic pain reliever), Percocet (a pain reliever containing narcotics), Valium (an anti-anxiety and anti-seizure medication), Ativan (an anti-anxiety medication), and Ketamine (a general anesthetic) and engaged in unprofessional conduct at a hospital in Lexington, Kentucky.

11. On or about April 2011, the Kentucky Board issued its final decision in the same matter, in which it found Respondent had repeatedly taken the above-listed medications from the dispensing cabinet when there was no order for them, repeatedly dispensed narcotics without properly documenting the disposal of excess amounts, and repeatedly taken higher doses of medications than was required. When questioned about this by hospital administrators, they discovered she was carrying in her pockets vials of Lidocaine (an anesthetic), Hydromorphone (a narcotic pain reliever), Phenergan (an allergy medication), and Ketrolac Tromethamine (a non-steroidal anti-inflammatory pain reliever). The Kentucky Board also found that during a shift at this same hospital in Lexington, Respondent failed to timely return from a break in her shift, after

1 she said she fell asleep in her car. For all of this conduct, the Kentucky Board disciplined her by
2 continuing her suspension for two years. It also ordered that if she were to seek reinstatement of
3 her Kentucky license, she would have to submit to a chemical dependency evaluation, and, if
4 recommended, participate in a substance abuse treatment program, counseling, support groups,
5 and random drug testing.

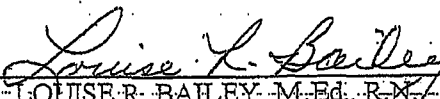
6 12. Under Section 2761 subdivision (a)(4) of the Code, the Ohio Board's disciplinary
7 action against Respondent for allegedly diverting controlled substances and the Kentucky Board's
8 disciplinary action against her for a similar offense are separate and independent grounds for the
9 California Board to take disciplinary action.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number 546538, issued to Donna
14 Jean Dunn aka Donna Fletcher Dunn aka Donna Fletcher Rucker aka Donna McMullin;
15 2. Ordering Donna Jean Dunn aka Donna Fletcher Dunn aka Donna Fletcher Rucker aka
16 Donna McMullin to pay the Board of Registered Nursing the reasonable costs of the investigation
17 and enforcement of this case, pursuant to Business and Professions Code Section 125.3; and,
18 3. Taking such other and further action as deemed necessary and proper.

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20 DATED: December 21, 2011


LOUISE R. BAILEY, M.Ed., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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